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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GALICE MINING DISTRICT; IDA LEE
REMAN, Recorder for the Galice Mining
District; KERBY DALE JACKSON, CEO for
Galice Mining District; DELANT CORY
PALMERTON, Vice Executive Officer for
Galice Mining District; and IRVIN LEE
ADKINS, Private Attorney General,

Plaintiffs,

v.

JOHN KITZHABER, Governor; PETER
COURTNEY, Senator; JACKIE
DINGFELDER, Senator; and ALAN BATES,
Senator,

Defendants.

Case No. 6:13-cv-00682-TC

RESPONSE TO PLAINTIFFS' MOTION FOR
A PRELIMINARY INJUNCTION

Plaintiffs seek a preliminary injunction “against the passage of Oregon Bills SB 115, SB 370, SB 401, and SB 838.” (Complaint, p. 6, ¶ C). To obtain a preliminary injunction, plaintiff “must show either (1) a likelihood of success on the merits and the possibility of irreparable injury or (2) the existence of serious questions going to the merits and the balance of hardships tipping in [his] favor.” *Nike, Inc. v. McCarthy*, 379 F.3d 576, 580 (9th Cir. 2004). Based on the

argument set forth in the contemporaneously-filed Motion for Dismiss, plaintiffs cannot establish any likelihood of success on the merits because the court lacks jurisdiction to consider the case. Accordingly, the motion for preliminary injunction should be denied.

DATED May 28, 2013.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on May 28, 2013, I served the foregoing RESPONSE TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION upon the parties hereto by the method indicated below, and addressed to the following:

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